

STUYVER, et al.
Appl. No. 10/606,879
Atty. Ref.: 2551-123
Amendment After Final Rejection
December 8, 2009

REMARKS

Reconsideration is requested.

Claim 38 has been canceled, without prejudice. Entry of the present Amendment will make moot the Rule 75 objection to claim 38. Entry of the present Amendment is requested to, at least, reduce this issue for appeal.

Claims 35 and 36 have been revised, without prejudice, to obviate the objection to same stated on page 3 of the Office Action dated June 8, 2009. Entry of the present Amendment and withdrawal of the objection are requested.

Claim 36 has been revised, without prejudice, to define the target sequence as defined in claim 16 and SEQ ID NO: 104 as an additional suitable primer of Table 1 of the specification. Claim 36 has been additionally revised, without prejudice, in light of the Examiner's comments on page 8 of the Office Action dated June 8, 2009. Claims 35 and 26 have been revised, without prejudice, to define conditions for hybridization as described, for example, in the paragraph spanning lines 8-18 of page 15 of the specification. Claim 35 has been revised, without prejudice, as suggested by the Examiner on page 6 of the Office Action dated June 8, 2009.

The applicants submit that the claims are supported by an adequate written description and that one of ordinary skill will be able to make and use the claimed invention without undue experimentation. Withdrawal of the Section 112, first paragraph "written description", rejection of claims 36 and 29 is requested. Withdrawal of the Section 112, first paragraph "enablement" rejection of claims 16, 28, 29 and 35-40 is requested.

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To the extent not obviated by the above amendments, the Section 103 rejection of claims 36 and 39 over Maertens (WO 94/12670), Okamoto (Journal of General Virology 69, 2575-2583, 1988) and Norder (Journal of General Virology 73, 1201-1208, 1992), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the above and the following further comments.

The applicants submit that the four primers as indicated amplify the HBsAg region of many different genotypes in a very efficient way, as described in the remarks of record, where after the A type may be genotyped as indicated and all other genotypes may be genotyped as well. The use of these primers is an unexpected advantage of the claimed invention. The applicants note that LiPA HBV genotyping kits are commercially available from the Assignee and based on the presently claimed invention and offer a reliable DNA test which offers the means to genotype HBV A-H.

The claimed invention would not have been obvious in view of the cited art and withdrawal of the Section 103 rejection is requested.

Entry of the present Amendment and a Notice of Allowance are requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

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Respectfully submitted,

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